

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

CRIMINAL APPLICATION NO.52 OF 2003

PETERSON MUNENE MUGO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

J U D G M E N T

The applicant PETERSON MUNENE MUGO has applied to be admitted to bail bond pending the hearing and determination of his appeal. He argued one ground that he suffers from Epilepsy and that the incidence of fits from the said disease had increased since his imprisonment. He further argued he lacked any person to assist him when he gets the fits and that he has been unable to get appropriate medication while in prison. He has annexed treatment notes from Provincial General Hospital Nakuru which shows an increase in the number of fits and the violence associated with them as of February, 2002. Nothing current was annexed. In his petition of appeal he has pleaded other grounds which I have considered.

The State Counsel has opposed the application. He submitted that his condition was not bound to change even if he was admitted to bail and further that medication was available at Provincial General Hospital. He further argued that the conviction was safe and therefore the appeal lacks in merit.

I have considered this application and submission made by both sides. Even though the medical record annexed to the applicant's affidavit shows a one time increase in fits, there is no proof that these are a direct result of confinement.

It has been demonstrated by this medical record that the Applicant is accorded regular access to medical facilities at Provincial General Hospital, Nakuru. I do not see merit for admission to bail bond on the ground argued. Further I did scan through the court's judgment and I am satisfied that there are no overwhelming chances of success of the pending appeal. On these grounds I will reject the application for bail bond and accordingly do dismiss it.

JESSIE LESIIT

JUDGE

Read, signed and delivered this 16th day of July, 2003.

In presence of

Applicant present in person.

Mr. Mutuku for State.

JESSIE LESIIT

JUDGE